



**ZONING ADMINISTRATOR  
NOTICE OF DECISION**

**Date:** September 24, 2010  
**Applicant:** CrossFit Chula Vista  
**Case No.:** PCC-10-026  
**Address:** 821 Kuhn Drive, Suite 106  
**Project Planner:** Michael W. Walker

Notice is hereby given that on September 24, 2010 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-10-026, filed by Richard A. Santa Maria, owner of CrossFit of Chula Vista ("Applicant"). The Applicant requests approval to establish a physical education center in a multi-tenant business complex ("Project"). The Project site is located at 821 Kuhn Drive, Suite 106 ("Project Site") is owned by Eastlake Commerce Center, LLC ("Property Owner"). The Project Site is zoned Business Center 2 (BC2) by the Eastlake Sectional Planning Area (SPA) Plan and is designated Limited Industrial (IL) by the General Plan. The Project is more specifically described as follows:

The request is for a conditional use permit to establish the CrossFit Chula Vista physical education center in an existing 3,268 square foot suite within a multi-tenant business center complex. The Crossfit center offers total health, strength and conditioning programs for all age groups as well as for police, military and firefighter personnel, and mixed martial arts and Jiu-Jitsu classes for children. Crossfit averages approximately 60 clients per day and offers classes every hour on the hour for drop-in clients. The center will operate on weekdays between 6 am and 9 pm and Saturdays between 8 am and 11 am.

Planning staff reviewed the Project for compliance with the California Environmental Quality Act (CEQA), and has determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (existing facilities) in accordance with the State CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 and Section IV.1 G.5 (Public and Semi-Public Uses) of the Eastlake I SPA Plan, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The Crossfit center occupies an existing 3,268 square foot suite, within a multi-tenant business center complex, providing an alternative choice of fitness and exercise programs serving residences and the business community in the Eastlake area and the City in general.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The Crossfit center occupies a suite within an existing multi-tenant business complex. The hours of operation are 6 am to 9 pm on weekdays and 8 am to 11 am Saturdays. The facility offers drop-in classes every on the hour with an average of approximately 6 clients in attendance. The busiest times are in the morning from 6 am to 10 am and again in the evening from 5 pm to 8 pm during the week. The peak times and drop-in classes will not create an excessive parking demand or traffic impact the operation of other businesses within the complex because the use of the Crossfit center by clients is intermittent throughout the day. The business complex site provides approximately 141 on-site parking spaces, which is sufficient to accommodate Crossfit and the other business operating within the complex. The Crossfit's location will not disturb residents, adjacent properties or surrounding businesses, and the conditional use permit is granted for a period of five years.

For these reasons, the proposed use will not adversely impact the operation of adjacent businesses and will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

Granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill conditions and to comply with all applicable regulations and standards specified in the Chula Vista Municipal Code and Eastlake SPA Plan for such use. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use. The use will comply with all regulations and conditions specified in the Chula Vista Municipal Zoning Code and the Eastlake SPA Plan for uses established under PCC-10-026.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The use is in conformance with the City of Chula Vista General Plan and Eastlake SPA Plan. More specifically, the proposed use conforms to the Chula Vista General Plan Chapter 6, Economic Development Element Policy ED1.1, which states "Market the diverse economic opportunities in the City. Target and attract industries and businesses that contribute to diversification and stabilization of the local economy." The Eastlake SPA Plan allows the use with a CUP.

Approval of PCC-10-026 is conditioned upon the following conditions in Sections I and II:

**I. The following conditions of approval shall be satisfied prior to issuance of the building permit for the project:**

1. The Property Owner and the Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days shall indicate the Property Owner/Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Property Owner

\_\_\_\_\_  
Date

**Building Division**

2. The Applicant shall comply with the 2007 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), 2008 California Energy Code, the Green Building Ordinance (CVMC 15.12) and all other locally adopted City and state requirements.

**Fire Department**

3. The Applicant shall address the building in accordance with the following criteria:
  - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
  - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
  - 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke

**II. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.**

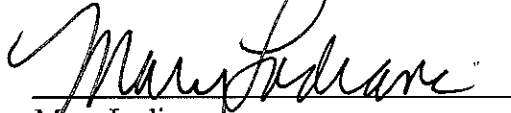
4. Complaint(s) regarding this project alleging violation of the Chula Vista Municipal Code (CVMC) or conditions of approval of this Conditional Use Permit, which have been formally submitted to the Code Enforcement Division, but which have not been resolved to the satisfaction of the Director Development Services, will cause this use permit approval to be reconsidered pursuant to CVMC Section 19 14.270.

This procedure may result in a public hearing before the City Zoning Administrator to consider continuance, modification, revocation, or payment of applicable fines, as determined by the Zoning Administrator.

5. The Applicant shall maintain the project site in accordance with plans approved on September 24, 2010.
6. The Applicant shall maintain the following hours of operation: Monday through Friday: 6 am to 9 pm and Saturdays from 8 am to 11 am.
7. Approval of this Conditional Use Permit shall not waive compliance with all sections of Title 19 (Zoning) of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
8. This Conditional Use Permit authorizes only the use specified in the application for PCC-10-026, which shall expire in five years on September 24, 2015 unless a request for extension is made to the Zoning Administrator. Any new use or modification/expansion of uses authorized under this permit shall be subject to the review and approval of the Zoning Administrator.
9. The use shall maintain compliance with the City's Municipal Code noise standards. If the City finds that the Project does not meet the Municipal Code noise standards, the City may revoke or modify the permit.
10. The Applicant/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Applicant's/Operator's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of Applicant's/Operator's successors and assigns.
11. This Conditional Use Permit shall become void and ineffective if not utilized or extended within the time allotted in Section 19.14 260 of the Municipal Code.
12. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
13. If any of the foregoing conditions fails to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to

revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this conditional use permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 24<sup>th</sup> day of September 2010.

  
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Mary Ladiana  
Zoning Administrator